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December 10, 2002

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DEC 10 2002

Marlene H. Dortch, Esq.  
Secretary  
Federal Communications Commission  
445 - 12th Street, SW, Room 8B201  
Washington, DC 20554

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

Re: Review of the Section 251 Unbundling Obligations of Incumbent Local Exchange Carriers  
CC Docket Nos. 01-338, 96-98, 98-147  
**Notice of Oral Ex Parte Communication**

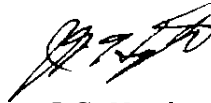
Dear Ms. Dortch:

Carrington Phillip and Douglass Garrett of Cox Communications, Inc. and the undersigned met today with Christopher Libertelli of Chairman Powell's office concerning issues relating to the provisioning of subloop elements in the above-referenced proceeding. The substance of the meeting is summarized on the attached document, which was provided to Mr. Libertelli during the meeting.

In accordance with the requirements of Section 1.1206 of the Commission's rules, the original and five copies of this letter are being submitted to your office on this date, and a copy of this letter is being sent to Mr. Libertelli.

Please inform me if any questions should arise in connection with this letter

Sincerely,



J.G. Harrington

JGH/vll

cc (w/o attach.): Christopher D. Libertelli, Esq.

## SUBLOOP ISSUES

COX COMMUNICATIONS, INC.  
CC DOCKET NO. 01-338

- **Certain ILECs impose unreasonable conditions when transferring customers in MTE/MDU environments.**
  - Sonic ILECs refuse to permit Cox to perform the physical changeover necessary to install service.
  - One ILEC, for instance, requires special construction to create a new terminal block, then requires that its own technicians perform any changeovers. This results in delays of up four months to enter a building, plus separate delays for each installation and imposes unnecessary costs.
  - In well over 100,000 MTE/MDU installations, Cox has experienced only a handful of incidents, none of which have threatened network integrity or customer safety.
- **Not all ILECs impose these requirements.**
  - When the ILEC does not interfere, Cox performs the changeover, which involves moving wiring only on the customer side of the ILEC terminal block (or NID). This is exactly the approach the Commission adopted in the *Virginia Arbitration Order*
  - Cox does not impose similar requirements on ILECs switching customers back from Cox, even when Cox is the primary carrier serving the building.
- **The Commission should apply the *Virginia Arbitration Order* approach to subloop unbundling generally.**
  - CLECs should be permitted to perform changeovers without interference, subject to the requirement that they report any instances in which they are using ILEC subloops so they can be charged properly.
  - Charges should reflect the cost of the subloop itself, and should not include any costs for technician dispatch or labor unless those costs actually are incurred.